

Chapter 9.36**DISCHARGING WEAPONS***

Sections:

- 9.36.010 Prohibited generally.
9.36.020 Exception.

* For statutory provisions concerning control of concealed weapons, see Pen. Code § 12000, et seq.

9.36.010 Prohibited generally.

It is unlawful for any person to shoot or discharge any gun or firearm, when the same is loaded with any shot or bullet, which will be, by such discharge, discharged therefrom, within the corporate limits of the city. (Prior code § 20.16).

9.36.020 Exception.

Notwithstanding the general prohibition in CVMC 9.36.010, it shall not be unlawful to shoot or discharge any gun or firearm in that portion of the incorporated territory of the city of Chula Vista generally west of the Lower Otay Reservoir described as follows:

That portion of said city of Chula Vista lying southerly of a line drawn from the eastern edge of Wueste Road along the southern edge of Otay Lakes Road east to the 480-foot contour line along the western edge of the Lower Otay Reservoir; following the 480-foot contour line southerly along the western edge of the Lower Otay Reservoir coincident with the southerly edge of the Chula Vista city limits; from there west to the eastern edge of Wueste Road and northerly again to the point of origin along the eastern edge of Wueste Road.

Such shooting or discharge shall only be lawful for patrons of the city of San Diego's Water Fowl Hunting Program, for the purposes of seasonal duck hunting (between October and January of each year, as specified in that program). (Ord. 2370 § 1, 1990).

IX. Mobilehome Park Residence Protection**Chapter 9.40****HOUSING ASSISTANCE**

Sections:

- 9.40.010 Mobilehome park and trailer park conversions – Purpose and intent.
9.40.020 Definitions.
9.40.030 Application for conversion or discontinuance of mobilehome or trailer park.

9.40.010 Mobilehome park and trailer park conversions – Purpose and intent.

It is the purpose of the city council in accordance with the provisions of Sections 65863.7 and 66427.4 of the Government Code of the state to mitigate any adverse impact of the conversion of mobilehome and trailer parks to other uses or the discontinuance of use of mobilehome or trailer parks on the ability of displaced mobilehome or trailer owner/occupants to find adequate spaces in other such parks. It is the intent of the council to impose upon park owners choosing to convert or discontinue their mobilehome or trailer park operations, whether located in exclusive mobilehome park zones or in other commercial or residential zones, the obligation to provide financial assistance or some satisfactory alternative thereto for those mobilehome or trailer owner/occupants who would be dislocated by the decision to convert such mobilehome or trailer parks to uses other than that designated in the zone, or than that to which they have been utilized, or to discontinue use. It is the intent of this chapter to carry out and supplement the requirements of the state law in regard to notification and to establish relocation assistance programs for low- and moderate-income mobilehome or trailer owner/occupants placed in the position of being dislocated as a result of either conversion of mobilehome parks to other uses or discontinuance of use. This section does not apply to mobilehome or trailer owner/occupants who move into mobilehome or trailer parks where the park owner has provided said mobilehome or trailer owner/occupant with written notification at the time they move in of intention to discontinue the mobilehome or trailer park on a specific date within three years of that written notification. (Ord. 2299 § 1, 1989; Ord. 1982 § 1, 1982).

9.40.020 Definitions.

A. "Mobilehome" is a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the California Vehicle Code. "Mobilehome" includes a manufactured home, as defined in Section 18007 of the Health and Safety Code, and a mobilehome, as defined in Section 18008 of the Health and Safety Code, but does not include a recreational vehicle, as defined in Section 799.24 of the California Civil Code and Section 18010 of the California Health and Safety Code.

B. "Mobilehome park" is an area of land where two or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation, and where the predominant number of sites are occupied for nine or more consecutive months.

C. "Trailer," for the purpose of this chapter only, is a structure designed for human habitation and for being moved on a street or highway without need for a permit pursuant to Section 35790 of the California Vehicle Code. "Trailer," for the purpose of this chapter only, does not include the following recreational vehicles as defined in Section 799.24 of the California Civil Code: motor homes, slide-in campers, truck campers, and camping trailers. "Trailer," for the purpose of this chapter only, does include the following recreational vehicles, as defined in Section 799.24 of the California Civil Code: travel trailers.

D. "Trailer park," for the purpose of this chapter only, is an area of land where two or more trailer sites are rented, or held out for rent, to accommodate trailers used for human habitation, and where the predominant number of sites are occupied for nine or more consecutive months.

E. "Mobilehome or trailer owner/occupants" are persons owning and occupying a mobilehome or trailer as their principal residence for six months or more during a year. (Ord. 2368 § 1, 1990; Ord. 2299 § 1, 1989).

9.40.030 Application for conversion or discontinuance of mobilehome or trailer park.

A. Application for Conversion or Discontinuance. Prior to the approval of any rezoning, subdivision map, or the issuance of any permit, including a building permit, which would allow the use of any properties presently or hereinafter utilized for mobilehome or trailer parks to be used for any purpose other than a mobilehome or trailer park, or prior to the cessation of use of all or any

part of a mobilehome or trailer park, an application to convert from such use or to discontinue must be filed with the community development department. The requirements of this section shall be applicable whether or not the mobilehome or trailer park is:

1. Located within an exclusive mobilehome park zone;
2. Located within a zone subject to conditional use permit; or
3. Entitled to be used as a mobilehome or trailer park based on nonconforming rights.

B. Application Requirements. The following information or documentation shall constitute application for conversion or discontinuance of an existing mobilehome or trailer park.

1. A relocation plan which shall make adequate provision for the relocation of the mobilehome or trailer owner/occupant who will be displaced by the discontinuance of the use of the property for a mobilehome or trailer park;

2. A profile of the existing park, including:
- a. Number of spaces,
 - b. Names and addresses of all mobilehome or trailer owner/occupants,
 - c. Date of manufacture of each home,
 - d. Replacement value of each home,
 - e. Estimated cost of relocation of each home,

f. Length of tenancy of each mobilehome or trailer owner/occupant,

g. Estimated income and age of each mobilehome or trailer owner/occupant;

3. A timetable for vacating the existing park;

4. Evidence satisfactory to the community development director that agreements satisfying the relocation assistance requirements of this chapter have been offered to eligible mobilehome or trailer owner/occupants. Such evidence may include, but is not limited to, the following:

a. Written agreements to relocate mobilehomes or trailers owned by low- and moderate-income mobilehome or trailer owner/occupants,

b. Assistance for low- and moderate-income mobilehome or trailer owner/occupants in the form of payment by the park owner of 75 percent, up to a maximum of \$3,000, of the cost of relocating the mobilehome or trailer to another mobilehome or trailer park within 100 miles;

5. Evidence that the park owner has informed all mobilehome or trailer owner/occupants in writing of alternative sites available to them;

6. Evidence that the park owner has agreed to purchase those homes of low- and moderate-

income mobilehome or trailer owner/occupants which are determined to be not relocatable due to age and/or condition. Such purchases shall be based on standard insurance replacement criteria;

7. Evidence that the displaced residents have been provided right of first refusal to purchase, lease or rent any dwelling units or mobilehome or trailer spaces which may be built on the subject property;

8. A narrative summary of planned new use of property to be converted or reason for non-use;

9. As an alternative to subsection (B)(4)(b) of this section, evidence that the park owner has given the mobilehome or trailer owner/occupants a three-year notice to vacate, said notice being pursuant to Section 798.56(f) of the Civil Code. If such a three-year notice is given, the applicant must assist all low- and moderate-income displaced mobilehome or trailer owner/occupants in accordance with the following schedule:

If Mobilehome or Trailer Owner/ Occupant Vacates Before End of	Portion of Expenses Paid by Owner	Up to a Maximum of
First year	75%	\$3,000
Second year	50%	\$2,000
Third year	25%	\$1,000

C. Submittal to and Decision of the Community Development Director. All of the above application information shall be submitted to the community development director. The community development director shall make his decision in the following manner:

1. If the community development director determines that the application is complete and conforms with all regulations, policies and guidelines, and that the relocation plan or other commitments by the park owner mitigate the impact of conversion or discontinuance on the health, safety and general welfare of persons residing in the mobilehome or trailer park, he shall grant the application for conversion.

2. If the community development director determines that the application is not complete or it does not conform with all regulations, policies and guidelines, or that the relocation plan or other commitments by the park owner do not mitigate the impact of conversion or discontinuance on the health, safety or general welfare of persons residing in the mobilehome or trailer park, he shall deny the application for conversion.

3. The community development director may establish the date on which the resolution of conversion or discontinuance will become effective. Such date shall not be more than three years from the date of decision of the community development director, or such earlier date as the applicant has complied with the provisions of an approved relocation plan and submitted evidence thereof to the community development director.

4. In granting or denying the application for conversion or discontinuance of the mobilehome or trailer park, the community development director shall make a written finding in rendering the decision and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements set forth herein.

5. A copy of this written finding of facts shall be filed with the city clerk and the director of planning and building, and shall be mailed to the applicant and to the mobilehome or trailer owner/occupants of the mobilehome or trailer park.

6. The decision of the community development director shall be final on the fifteenth day following the mailing of the decision to the applicant and the mobilehome or trailer owner/occupants required in subsection (C)(5) of this section, except when appeal is taken to the city council as provided in subsection (D) of this section.

D. Appeal from the Decision from the Community Development Director.

1. An appeal from the decision of the community development director on an application for conversion or discontinuance of a mobilehome or trailer park may be taken to the city council within 15 days following the decision of the community development director. The appeal may be taken by the applicant, any governmental body or agency, any owner of real property located within the city or any resident of the city. The appeal shall be in writing on a prescribed form and filed with the city clerk. The appeal shall specify wherein there was an error in the decision of the community development director. If an appeal is filed within the time specified, it shall automatically stay proceedings in the matter until a determination is made by the city council.

2. Upon the filing of the appeal, the community development director shall set the matter for public hearing before the city council at the earliest practicable date. The public hearing shall be noticed and held in accordance with the provisions of this code. Notice of time and place and purpose of such hearing shall be given as follows:

a. By at least one publication in the official newspaper of the city, not less than 10 days prior to the date of the hearing;

b. By mailing notices at least 10 days prior to the date of such hearing to the mobilehome or trailer park owner and to all mobilehome or trailer owner/occupants of the mobilehome or trailer park.

3. Upon the hearing of the appeal, the city council may by resolution affirm, reverse or modify in whole or in part any determination of the community development director, subject to the same limitations as are placed upon the community development director by law and the provisions of this code. The resolution must contain a finding of fact showing wherein the proposed development meets or fails to meet the requirements herein.

4. The decision of the city council shall be final unless appealed to a court of competent jurisdiction.

E. Waiver. The community development director may recommend to the city council the acceptance of other mitigating actions by the park owner in lieu of the specific provisions herein if extreme economic hardship would result for the park owner, or if other proposed mitigating actions have recommending benefit.

F. Notification Requirements. In addition to any notification requirements under the California Civil Code, the following notification requirements shall apply to any application for conversion or discontinuance of mobilehome or trailer park use:

1. A minimum of 10 calendar days prior to an applicant filing an application for conversion or discontinuance of the mobilehome or trailer park, the applicant shall give written notice to each mobilehome or trailer owner/occupant of the mobilehome or trailer park of the proposed change. Such notice shall be subject to the prior approval of the community development director.

2. No public hearing required hereunder to consider an application for conversion or discontinuance of a mobilehome or trailer park use shall be held unless and until the applicant submits to the community development director an affidavit approved as to form by the city attorney declaring that the applicant has given the notice required by this provision.

G. Penalty. Violation of any provision of this chapter by the owners of mobilehome or trailer parks shall be deemed to be a misdemeanor subject to the penalties as established by state law for misdemeanors. In addition thereto, any mobilehome or trailer owner/occupant in a mobilehome or trailer

park where conversion to other uses or discontinuance has been sought or accomplished, and in which violations of the terms and provisions of this chapter have occurred, may seek civil remedies for damages in accordance with the relocation provisions contained herein, no later than one year from the date of lease cancellation or eviction from the mobilehome or trailer park. (Ord. 2790, 1999; Ord. 2368 § 2, 1990; Ord. 2299 § 1, 1989).

Chapter 9.50**MOBILEHOME PARK
SPACE RENT REVIEW***

Sections:

- 9.50.001 Findings.
- 9.50.005 Purpose.
- 9.50.010 Definitions.
- 9.50.012 General applicability and exemptions.
- 9.50.015 Applicability to recreational vehicles.
- 9.50.020 Legal requirements and procedures created.
- 9.50.050 Annual permissive rent increases and notices of CPI.
- 9.50.063 Rent increase above the annual permissive rent increase.
- 9.50.064 Owner meetings and possible voluntary negotiations.
- 9.50.066 Request for hearing form.
- 9.50.070 Initiation of space rent review.
- 9.50.073 Factors to consider in fixing space rent through the hearing process.
- 9.50.075 Fixing of space rent in excess of the permissive rent increase.
- 9.50.076 New and prospective mobilehome residents – Transfers of mobilehomes.
- 9.50.077 Vacancies and rents upon change of mobilehome ownership.
- 9.50.078 Right to mediate mobilehome resale price.
- 9.50.079 Findings regarding serious code violations.
- 9.50.080 Notice of serious code violations.
- 9.50.081 Proposed space rent increases at a time when there exist serious code violations at park.
- 9.50.082 Denial or partial reduction of rent increases based upon code violations.
- 9.50.085 Compliance with law and posting and disclosure requirements.
- 9.50.087 Implementation guidelines.
- 9.50.090 Mobilehome resident's right of refusal.
- 9.50.092 Retaliatory eviction.
- 9.50.100 Civil and administrative remedies.
- 9.50.102 Criminal remedies.
- 9.50.115 Severability.

Appendix One

Appendix Two

* Prior legislation: Ords. 1997, 2163, 2227, 2282, 2306, 2451, 2551, 2566 and 2737.

9.50.001 Findings.

A. The city council finds that there is presently, within the city of Chula Vista, a shortage of rental spaces for the location of mobilehomes, and an inadequate number of mobilehome rental spaces to meet the total demand in this city for those spaces. The city council finds that this limited supply of mobilehome spaces in this city has resulted in low vacancy rates and contributes to escalating space rents in a manner that would, in the absence of regulation, allow for unconscionable increases of rents to mobilehome park residents.

B. The city council further finds that the unique nature of the ownership of a mobilehome within a mobilehome park makes mobilehome owners particularly vulnerable to the threat of loss of their investment in their mobilehome. Due to the high cost of moving mobilehomes; the potential for damage resulting from moving mobilehomes; the requirements for installing a mobilehome, including permits, landscaping and site preparation; the lack of alternative homesites for mobilehome owners; and the substantial investment mobilehome owners make in their coaches, mobilehome owners lack the ability to move their mobilehomes without a substantial loss in their investment. This lack of mobility, coupled with a shortage of rental spaces, provides park owners with the ability to establish excessive and unconscionable rents which, if unregulated, would result in the impairment of a mobilehome owner's investment in their home.

C. The city council further finds that the limited supply of mobilehome rental spaces available in this city would, in the absence of space rent regulation, allow for an unconscionable loss of the resale value of mobilehomes by existing mobilehome park residents.

D. The city council further finds that mobilehomes comprise a significant form of housing available within the city of Chula Vista and can be a more affordable housing choice than apartments or single-family homes. The city council finds that the supply of both mobilehome spaces and mobilehomes available for rent is not adequate to meet the demand, and that as a result, the limited supply of such spaces and mobilehomes contributes to escalating rents in a manner that would, in the absence of regulation, result in the elimination of mobilehomes as a source of affordable housing.

E. The city council further finds that there exists serious health and safety issues in some mobilehome parks within this city which constitute violations of the city's municipal code and/or state law. The city council finds that increases in rents in

excess of the annual permissive rent increase for parks where there exists such serious violations would, in the absence of regulation, allow for an unconscionable benefit to the park owner to the detriment of the health, safety, and welfare of mobilehome residents. As more fully set forth in CVMC 9.50.079, the city council finds that the provisions of this chapter will promote and require a minimal level of health and safety conditions in those mobilehome parks seeking rent increases in excess of the annual permissive rent increase while also allowing park owners sufficient time and revenue to meet these minimal requirements.

F. The city council further finds that, because mobilehome parks generally have costs of operation which are considerably less than total gross income, it is not necessary to allow an automatic 100 percent Consumer Price Index (CPI) annual rent increase in order for mobilehome park owners to be able to maintain a fair, just, and reasonable rent. A number of cities in California do, in fact, limit annual rent increases without a review or hearing by the city, to 0.75 times the CPI and/or provide a maximum allowable rent increase. Therefore, it is appropriate to require justification for any rent increase in excess of the annual permissive rent increase as set forth in this chapter. (Ord. 2862 § 1, 2002).

9.50.005 Purpose.

A. The city council intends by this chapter to create a process to protect both mobilehome park owners and mobilehome park residents from excessive and unconscionable rent increases while simultaneously recognizing and providing for the need of mobilehome park owners to receive a just and reasonable return on their property.

B. The city council intends by this chapter:

1. To prevent existing mobilehome owners, who are rendered largely incapable of moving their mobilehomes without suffering a substantial loss in their value, from loss of their investment and the resale value of their mobilehomes due to the fact that a new mobilehome resident is being charged excessive rents;

2. To protect and promote the availability of mobilehomes as a source of affordable housing; and

3. To encourage compliance with code requirements, to protect the public health, safety, and welfare of mobilehome park residents, and to provide for a fair return on the park owners' investment so that compliance with code requirements are financially feasible in such circumstances

where a rent increase in excess of the annual permissive rent increase is proposed.

C. The city council intends for the procedures contained in this chapter to provide a mechanism for the resolution of disputed increases in rents by making it advantageous for mobilehome park residents and mobilehome park owners to establish a better understanding of each other's positions which will result in agreement on the amount of rent to be charged. The procedures of this chapter are established with the intent that they be accomplished in a timely fashion. The participating parties shall commit to the goal that the entire dispute resolution process be completed within 120 days following receipt of a disputed notice of rent increase. (Ord. 2862 § 1, 2002).

9.50.010 Definitions.

Words used in this chapter shall have the meaning described to them in this section:

A. "Mobilehome" is a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the California Vehicle Code. As used in this chapter, "mobilehome" has the same meaning as California Civil Code Section 798.3.

B. "Mobilehome space" means a portion of a mobilehome park designated or used for the occupancy of one mobilehome.

C. "Mobilehome park" or "park" is an area of land where two or more mobilehomes or mobilehome spaces are rented, or held out for rent, to accommodate mobilehomes used for human habitation.

D. "Mobilehome park owner" or "owner" means and includes the owner, lessor, operator, or manager of a mobilehome park.

E. "Mobilehome owner" means a person who owns a mobilehome which is legally located in a mobilehome space within a mobilehome park in the city of Chula Vista.

F. "Mobilehome resident" or "resident" means a person who occupies a mobilehome in a mobilehome park in the city of Chula Vista as a primary residence by virtue of having a rental agreement. "Mobilehome resident" or "resident" is inclusive of a mobilehome owner.

G. "Rent" means the consideration, including any bonus, benefit or gratuity, demanded or received in connection with the use and occupancy of a mobilehome or mobilehome space in a mobilehome park, including services, or in connection with the transfer of a lease for a mobile space or the subleasing of a mobilehome space. "Rent" shall

not include amounts paid by residents for such separately metered utilities or services, as provided in California Civil Code Section 798.41, or any separate charge for those fees, assessments or costs which may be charged to mobilehome residents pursuant to the California Civil Code.

H. "Dispute" or "controversy" means a disagreement or difference which is subject to the resolution process described in this chapter.

I. "Consumer Price Index" or "CPI" means the All Urban Consumers/All Items component of the San Diego Metropolitan Area U (broader base) Consumer Price Index prepared by the Bureau of Labor Statistics.

J. "Mobilehome rent review commission" means the advisory body established by Chapter 2.31 CVMC to provide an independent review of rent increase disputes in mobilehome parks. (Ord. 2862 § 1, 2002).

9.50.012 General applicability and exemptions.

This chapter shall apply to all mobilehome parks, mobilehome park owners, mobilehome residents and mobilehomes in mobilehome parks within the city of Chula Vista, unless otherwise exempted by state law or the provisions of this chapter.

This chapter shall not apply to leases for a term exceeding one year which are exempted by California Civil Code Section 798.17, so long as such leases contain all the required provisions for exemption, including a statement in the first sentence of the first paragraph, in at least 12 point type or capital letters, giving notice to the mobilehome resident that, by entering into the lease, the rent control provisions of this chapter will be automatically superseded by the lease provisions regarding rent and rent increases.

This chapter shall not apply to a mobilehome park if the rents that may be charged for spaces thereat are regulated pursuant to an agreement with the redevelopment agency of the city of Chula Vista under the authority of Section 33334.2 through 33334.4, inclusive, of the California Health and Safety Code, for such period of time as the agreement is in effect. (Ord. 2862 § 1, 2002).

9.50.015 Applicability to recreational vehicles.

This chapter applies to owners/occupants of recreational vehicles as defined in California Civil Code Section 799.29 where the recreational vehicle owner/occupant has been in residency for nine

or more consecutive months. Notwithstanding the above, this chapter shall not be applicable to recreational vehicles residing in parks operated as recreational vehicle parks, where the predominant number of spaces are occupied for less than nine months. (Ord. 2862 § 1, 2002).

9.50.020 Legal requirements and procedures created.

This chapter creates legal requirements and procedures which must be followed when rent is increased in mobilehome parks. In the event a mobilehome park owner increases rent without complying with the provisions of this chapter, including but not limited to providing the required notice, the park owner may be held accountable for such failure through criminal, civil and administrative action in accordance with CVMC 9.50.100 and 9.50.102. A park owner who willfully and improperly collects rent shall be subject to repayment of up to three times the amount of rent improperly collected, after a hearing before the mobilehome rent review commission, or in a civil action brought by a mobilehome resident. (Ord. 2862 § 1, 2002).

9.50.050 Annual permissive rent increases and notices of CPI.

A. Rents for mobilehome residents may be increased automatically and only once in a calendar year by no more than the percentage change in the CPI, when the CPI is three percent or less, and 75 percent of that change in the CPI above three percent to be known as the "annual permissive" rent increase. The park owner or their agent shall use the CPI in effect at the time such notice of increase in rents is served on residents, as provided in the notice of current CPI mailed to each park owner or their agent by the community development department. Calculation of the one-year limitation on rent increases shall be from the date the last increase became effective for that particular space or mobilehome.

B. The community development department shall mail to each park owner or their agent the applicable CPI to be used for the rent increases as soon as the community development department receives the CPI from the Bureau of Labor Statistics. The CPI is published twice each year by the Bureau of Labor Statistics. Park owners shall use the CPI furnished to them by the community development department as controlling the maximum potential rent increase without a need for a hearing, and may not deviate from the CPI until the park

owner receives written notification from the community development department that the CPI has changed. The park owner shall post, in a prominent place, the notification from the community development department so that all residents are aware of the applicable CPI.

C. Should a mobilehome resident feel that a proposed rent increase is in violation of this chapter, the resident may provide written notice to the park owner of such rent dispute. Within 10 calendar days of the written notice, the park owner shall meet with the resident to discuss this dispute. This meeting shall be held at a mutually convenient time and place, preferably at the mobilehome park. Additionally, within 30 days of receiving written notice from the resident of a rent dispute, the park owner shall provide the resident with a written response addressing such dispute.

If the resident is unable to satisfactorily resolve such rent dispute, the resident may file with the community development department of the city a complaint alleging the mobilehome park's violation of the rent increase provisions of this chapter. Such complaint must include documentation or other information which provides compelling evidence of such violation and submitted within 14 days of receiving the park owner's written response addressing the dispute. The city, at its sole discretion and after review of the complaint and supporting documentation, will determine the necessity to audit the rent for the affected space in order to verify compliance with this chapter.

Should the city determine that an audit is necessary, the city shall notify the park owner in writing of their determination, request written verification of the rent charged for the affected space for the last three years, and provide the park owner with a copy of the complaint. Within 14 days after delivery of said notice from the city, the park owner or their agent shall mail (U.S. Postal Mail Service, return receipt requested) to the Community Development Department, 276 Fourth Avenue, Chula Vista, CA 91910, written verification of the space rent charged for the affected space for the previous three years, such as copies of rent statements. Failure to provide the community development department with the requested space rent information or knowingly submitting incorrect information shall be considered a violation of this chapter. (Ord. 2862 § 1, 2002).

9.50.063 Rent increase above the annual permissive rent increase.

A. In any situation where a mobilehome park owner wishes to increase the rent above the annual permissive rent increase as set forth in CVMC 9.50.050, he or she must first give notice to affected residents, at the same time the 90-day notice required by Civil Code Section 798.30 is given.

The notice of a rent increase in excess of the annual permissive rent increase shall be in substantially the form prescribed in Appendix One of this chapter.

B. If the residents within the affected mobilehome park have established an on-site representative body and notify the owner in writing of its existence, a copy of the rent increase notice must be sent to the chairperson of that body.

C. A copy of the rent increase notice shall be mailed (U.S. Postal Mail Service, return receipt requested) at the same time as issuance of the notice to residents to both the community development department and planning and building department of the city of Chula Vista at the addresses identified herein for each of the designated departments.

City of Chula Vista
Community Development Department
276 Fourth Avenue
Chula Vista, CA 91910
Attn: Housing Manager

City of Chula Vista
Planning and Building Department
276 Fourth Avenue
Chula Vista, CA 91910
Attn: Assistant Director/Building Official

D. The rent increase notice must contain the space numbers of all residents who are subject to a increase which is above the annual permissive rent increase set forth in CVMC 9.50.050. (Ord. 2862 § 1, 2002).

9.50.064 Owner meetings and possible voluntary negotiations.

Within 10 days after service of a notice of increase, as provided in CVMC 9.50.063 and 9.50.077, the park owner shall hold an informal meeting for the benefit of the affected residents to discuss the increase. It is hoped that such a meeting may lead to voluntary settlement of the dispute.

The meeting should be set for a time and date believed to be convenient for residents and may be changed to a different date based on the reasonable request of the majority of affected residents.

If a resident does not attend this meeting or is not represented by someone, he or she shall have no right to a hearing but may rely on other residents of the mobilehome park to cause a public hearing to be scheduled. The decision of the mobilehome rent review commission shall be applicable to all affected homeowners.

In the event that more than 50 percent of the resident(s) and park owner reach a voluntary written agreement of the increase in space rent, the rent shall be fixed as specified in CVMC 9.50.075. Should the affected resident(s) and the park owner be unable to reach a voluntary settlement of the dispute in the increase in space rent, the resident shall be entitled to file a "Request for Hearing" form as permitted in CVMC 9.50.066 and 9.50.070. (Ord. 2862 § 1, 2002).

9.50.066 Request for hearing form.

Mobilehome residents shall have a right to file for a hearing and determination by the mobilehome rent review commission of rent increases in excess of the annual permissive rent increase. To file for such a hearing, a resident must deliver the request for hearing form to the city's community development department within 30 days of the delivery of "Notice of Rent Increase in Excess of the Annual Permissive Rent Increase" from the park owner or their agent.

The request for hearing shall be in substantively the form prescribed in Appendix One of this chapter. (Ord. 2862 § 1, 2002).

9.50.070 Initiation of space rent review.

If a rent dispute cannot be resolved at a meeting with a park owner, a resident may initiate a rent review by the mobilehome rent review commission by filing a request for hearing with the community development department, in the form prescribed in CVMC 9.50.066.

Upon the filing of a request for hearing in accordance with this chapter, the city community development department shall notify the chairperson of the mobilehome rent review commission of such request, who shall schedule a hearing on the matter within 30 days after the date of receipt of such request or as soon thereafter as practical. The city shall send written notice to the park owner and the resident(s) filing such request for hearing of the time and place set for the hearing. The hearing will

be noticed and held in a manner that provides due process to all affected parties. Should such hearing affect more than 50 percent of those spaces at the mobilehome park, the park owner or their agent shall post in a conspicuous place within the mobilehome park a copy of the written notice of the hearing. (Ord. 2862 § 1, 2002).

9.50.073 Factors to consider in fixing space rent through the hearing process.

If a proposed rental increase is submitted to the mobilehome rent review commission ("commission") pursuant to the provisions of this chapter, the commission shall determine the rent that is fair, just and reasonable, and, in doing so, shall consider the factors listed below. The commission has the authority to request information and/or documentation related to these factors that will assist them in making such determination. The community development department and/or their designee shall review all evidence to be presented to the commission for their consideration. The commission's decision shall be based on the preponderance of the evidence at the hearing. The commission shall consider the following factors:

A. The need for the proposed rental increase in order to permit the owner to secure a fair and reasonable return, when considering the existing rental scheme for all spaces in the park and all existing or expected expenses in owning and operating the park. A fair and reasonable return may be determined by the commission by reference to industry standards, risk of investment, or other acceptable standards.

1. In considering the existing or expected expenses in owning and operating the park in following prudent business practices, the commission should consider the following or any similar or related items of expense, the reasonableness of such items, and changes to them:

- a. Actual financial investment in park improvements.
- b. Property or other taxes.
- c. Mortgage or ground rent payments.
- d. Utility costs.
- e. Capital improvements or rehabilitation work.
- f. Repairs required.
- g. Other operating and maintenance costs. Operating costs shall not include the following:
 - i. Avoidable and unnecessary expenses, including refinancing costs;

ii. Any penalty, fees or other interest assessed or awarded for violation of this or any other law;

iii. Legal fees, except legal fees incurred in connection with successful good-faith attempts to recover rents owing, and successful good-faith unlawful detainer actions not in derogation of applicable law, to the extent same are not recovered from residents;

iv. Depreciation of the property;

v. Any expense for which the park owner has been reimbursed by any security deposit, insurance settlement, judgment for damages, settlement or any other method. Cost of replacement or repair incurred or necessary as a result of the park owner's negligence or failure to maintain, including costs to correct serious code violations at the park.

2. In considering the existing or expected income from owning and operating the park, the commission should consider the rent schedule for all spaces in the park and any similar or related items verifying income for the mobilehome park for the last three years, the reasonableness of such items, and changes to them.

B. Rate of return earned by the park owner in previous years as determined by a fair market appraisal conducted by a Member Appraisal Institute (MAI) appraiser. The city, as well as the park owner, shall have the right to hire their own independent MAI appraiser.

C. The extent to which the proposed rental increase will cause a reduction in the resale value of the mobilehome.

D. Changes in the Consumer Price Index for all urban consumers in the San Diego Metropolitan Area published by the Bureau of Labor Statistics.

E. Fair market rental value as determined by "comparables" of similar and existing mobilehome spaces or mobilehomes in the South Bay area of San Diego County, including those in Chula Vista, as determined by an MAI appraiser. The city, as well as the park owner, shall have the right to hire their own independent MAI appraiser.

F. The timing and amount of rents and increases for this and other spaces at the mobilehome park.

G. The quantity and quality of the improvements and features at the mobilehome park and any decrease or increase in such improvements and features.

H. The quantity and quality of services offered to park residents and any decrease or increase in

such improvements and features. (Ord. 2862 § 1, 2002).

9.50.075 Fixing of space rent in excess of the permissive rent increase.

The rent on any particular mobilehome space shall be fixed as established herein. Any determination of fair, just, and reasonable rent determined by the commission shall not be applicable to those spaces exempt from this chapter nor to those spaces not covered by the written notice of an increase in rent.

A. In the event that the resident and an owner reach agreement as to the space rent in excess of the annual permissive rent increase for that calendar year, with or without the benefit of a commission hearing, the rent shall be fixed at the agreed upon rent at such time as the agreement is reached unless the agreement provides for a different effective date.

B. In the event that the resident and an owner do not reach agreement, and the rent has been established by the commission according to the procedures herein established, the rent shall be fixed at the rental rate so established by the commission as of the date of the commission's decision, or 90 days after the resident's original receipt of the notice of rent increase, whichever is later, unless the commission shall fix a different date.

C. Consistent with its findings, the commission may:

1. Permit the requested increase which is in excess of the annual permissive rent increase to become effective in whole or in part; or

2. Deny the increase which is in excess of the annual permissive rent increase.

However, the commission may not set the rent lower than the pre-existing rent or higher than the amount contained in the notice of rent increase in excess of the annual permissive rent increase.

D. Unilateral Refusal to Participate in the Hearing Process. In the event the commission finds that the resident or owner has failed or refused to, in good faith, follow the procedure herein fixed for the establishment of rent, which may include but not be limited to refusal to attend noticed hearings or failure to provide a copy of all rent increase notices to residents, then the commission shall fix the rent as follows:

1. If the resident has failed or refused to follow the procedures herein fixed for the establishment of rent, then the rent shall be fixed at the rental rate contained in the notice of rent increase in excess of the annual permissive rent increase.

2. If the owner has failed or refused in good faith to follow the procedures herein fixed for the establishment of rent, then the rent shall be fixed at the annual permissive rent increase.

E. Waiver of Fixed Rent. Notwithstanding the aforementioned manner in which the rent shall be fixed, a refusal or failure, accompanied with the knowingly improper assertion that a greater rental is due by the owner or his or her agent, to accept a rent payment from a resident in an amount which is equal to or greater than the rent fixed by subsections (A), (B) or (C) of this section shall constitute a waiver by the owner of the right to collect said rent, in its entirety, for the rental period for which the rent was refused, unless the tenant consents, in writing, to waive the provisions of this subsection.

F. All parties to the hearing shall be advised of the commission's decision and be given a copy of the findings upon which the decision is based. The conclusions and findings of the commission shall be final. Any party disputing the final conclusions and findings of the commission may seek review of the commission's actions pursuant to Sections 1094.5 and 1094.6 of the California Code of Civil Procedure. (Ord. 2862 § 1, 2002).

9.50.076 New and prospective mobilehome residents – Transfers of mobilehomes.

A. Prior to or at the time of agreeing to rent to a new or prospective mobilehome resident in a mobilehome park, the park owner or their agent shall provide the new or prospective mobilehome resident with a copy of the disclosure as specified in CVMC 9.50.085, a copy of any notice of rent increase, and a copy of this chapter as currently in force.

B. The park owner must follow all procedures and requirements for disclosure and noticing of rent increases in excess of the CPI as set forth in this chapter.

C. Park owners must comply with the provisions of California Civil Code 798.70 et seq. related to transfers of mobilehomes, including the provisions of Civil Code Sections 798.75 and 798.75.5. (Ord. 2862 § 1, 2002).

9.50.077 Vacancies and rents upon change of mobilehome ownership.

Notwithstanding any other provision of this chapter, the mobilehome park owner may increase space rent in the event of a space vacancy or a change of ownership of a mobilehome which will

remain on its current space in accordance with the following:

A. In the event that a space becomes vacant, that is, with no mobilehome in place, a park owner may adjust the space rent without regard to the provisions of this chapter.

B. If a mobilehome changes ownership but remains on the same space within the mobilehome park, the park owner may propose an increase in the space rent subject to the noticing requirements contained herein. However, no rent increase may be charged upon change of ownership by reason of interspousal transfers.

C. This increase is in addition to the annual permissive rent increase as set forth in CVMC 9.50.050 and is not subject to the once-a-year limitation of CVMC 9.50.050(A).

D. After an increase under this section, further rent increases shall be governed by the provisions of this chapter.

E. Should a current mobilehome owner desire to sell his or her mobilehome and such mobilehome will remain within the mobilehome park, the mobilehome owner must provide a written notice to the park owner or their agent of his or her intent to sell. Within 15 days of the receipt of a written notice of the current mobilehome owner's intent to sell the mobilehome, the park owner or their agent shall provide a written statement as to the rental rate to be offered to the new or prospective mobilehome owner and if an increase in the existing rental rate is proposed, the corresponding percentage of the increase in rent. Both the current mobilehome owner and the park owner or their agent shall provide all new or prospective mobilehome owners with a copy of such written statement of the rental rate.

Should no offer to purchase the mobilehome be accepted within six months of the written statement of the rental rate to be offered to the new or prospective mobilehome owner, the park owner or their agent may provide a revised written statement of the rental rate to be offered and whether such rental rate is in excess of the annual increase in the applicable CPI. Such written statement can be revised by the park owner or their agent every six months thereafter and shall be immediately provided to the current mobilehome owner.

Upon acceptance of an offer to purchase a mobilehome, the outgoing mobilehome owner shall immediately provide written notice to the park owner or their agent of the pending sale of the mobilehome and an address at which the new mobilehome owner may be contacted. The park

owner shall provide to the new mobilehome owner a written statement as to the rental rate to be offered and if an increase in the existing rental rate is proposed, the corresponding percentage of increase in rent within 15 days of receiving written notice of the pending sale of a mobilehome. The park owner shall also provide the new mobilehome owner with any other document required by California Civil Code Section 798.75(a).

The park owner or their agent shall provide a copy of each written statement of rent provided to both the current and new mobilehome owner to the city of Chula Vista community development department at the same time as issuance of the notice to the current and new mobilehome owner. The copy of the rent increase notice shall be mailed (U.S. Postal Mail Service return receipt requested) to the Community Development Department of the City of Chula Vista, 276 Fourth Avenue, Chula Vista, CA 91910. If the residents within the affected mobilehome park have established a representative body and notified the owner in writing of its existence, a copy of each rent increase notice must be sent to the chairperson of that body.

Where an increase in rent to the new or prospective mobilehome owner is proposed and results in a total rent increase in the calendar year above the annual permissive as provided in CVMC 9.50.050, the following additional noticing requirements and review process shall apply:

1. The park owner or their agent shall provide the current owner and the new or prospective mobilehome owner with a notice of rent increase in excess of the annual permissive rent increase upon change of ownership in substantially the form prescribed in Appendix One of this chapter. Such written statement of the rental rate to be offered shall contain a place for the outgoing mobilehome owner to acknowledge receipt of the statement of rent. The notice provided to the new or prospective mobilehome owner shall also state whether the current mobilehome owner completed the hearing process or reached agreement as to the increase if the rental rate is proposed to increase in an amount greater than the annual permissive.

2. Either the current or new mobilehome owner shall have the right to a hearing and decision regarding the increase under the provisions of CVMC 9.50.066, 9.50.070 and 9.50.073. A request for hearing form must be filed within 30 days after receipt of the written statement of rental rate in substantially the form prescribed in Appendix One. (Ord. 2862 § 1, 2002).

9.50.078 Right to mediate mobilehome resale price.

A. In line with the purpose of this chapter to maintain a supply of affordable housing in the mobilehome market, it is the goal and objective of the city that a current mobilehome owner should not be able to command, due to limited mobilehome space availability, a higher price for a mobilehome upon sale due to the fact that the rent is regulated by the provisions of this chapter. The city council finds that there is currently no evidence that overcharging for mobilehomes is a significant problem in Chula Vista, and that it has little, if any, significant effect on the supply of affordable housing in the city of Chula Vista, so as to require mobilehome resale price regulation by the city. The city council finds that this is due, in part, to the annual permissive rent increases provided in this chapter. The city council further finds that if, after time, it appears that the mediation process offered by this section is inadequate to address any potential problem with overcharging, it may reconsider more stringent control over mobilehome overcharging in the future.

B. The park owner shall post the following notice in a prominent place, in the on-site office:

NOTICE OF THE RIGHT TO MEDIATE THE PURCHASE PRICE OF MOBILE- HOME

In addition to the right to a hearing on an increase in rent above the applicable CPI, a potential purchaser of a mobilehome has the right to mediate the purchase price of a mobilehome, if you contend that the purchase price is higher because of rent regulation, then the purchase price might ordinarily be without rent regulation.

In order to submit the purchase price dispute, based solely on the grounds than the purchase price is more than would ordinarily be without rent regulation, between yourself and your potential seller to the Chula Vista Mobilehome Rent Review Commission for nonbinding mediation your must:

1. Extend an offer to purchase the mobilehome, but not execute an agreement to purchase;

2. Sign and file with the community development director the form requesting mediation prior to executing a purchase agreement; and

3. Participate in the mediation process provided by the Mobilehome Rent Review Commission.

C. If, prior to executing a mobilehome purchase agreement, the new or prospective mobilehome resident contends that the price at which the mobilehome is offered by the current mobilehome owner is higher because of rent regulation than the price of the mobilehome without rent regulation, the new or prospective mobilehome owner has the right, upon tender to the seller of an offer to purchase the mobilehome at a price acceptable to the new or incoming mobilehome owner, to submit the price dispute to the mobilehome rent review commission for mediation.

D. Upon submittal of the price dispute to the mobilehome rent review commission by the new or prospective mobilehome owner, the commission shall convene as soon as practical to hear the dispute, not sooner than 10 days notice to the buyer and seller of the time and place at which the mediation shall occur. If the seller fails to appear, the commission should hear the complaint and evidence of the new or prospective mobilehome owner for the purpose of creating a record of such abuses, if any. However, the commission shall have no power to set the resale price of a mobilehome with or without the presence of the parties.

E. The purpose of the mediation, and the sole jurisdiction of the commission in the mediation, is to get the parties to agree, if possible, to a price which reflects the value of the mobilehome as if the rents in the park were not regulated by this chapter. (Ord. 2862 § 1, 2002).

9.50.079 Findings regarding serious code violations.

A. The city council finds that there currently exists serious health and safety issues in certain mobilehome parks within the city. These health and safety issues are particularly acute in the older trailer parks in the city. In order to establish a minimal level of health and safety standards which must exist in all mobilehome parks prior to any rent increase in excess of the annual permissive rent increase, the city council finds that the violations listed in Appendix Two constitute serious code violations which may not exist within a mobile-

home park at the time of the proposed rent increase.

B. The city council further finds that the provisions of this chapter provide for a sufficient return on investment and allow for a sufficient period of time to allow park owners to meet the minimal health and safety standards set forth herein. The city council finds that adoption of this chapter does not constitute an action or inaction by the city which will result in the closure, cessation or change of use of a mobilehome park. Except in these cases where the city council, in its discretion, decides not to renew a conditional use permit or zoning variance as provided for in Government Code Section 65863.7(i), the city council finds that any closure, cessation or change in use of a mobilehome park occurring after the adoption of this chapter is the result of the decision of the park owner, and, prior to any such closure, cessation or change in use, the mobilehome park owner must comply with the provisions of Government Code Sections 65863.7 and 65863.8 as well as the provisions of the city's conversion ordinance, Chapter 9.40 CVMC. (Ord. 2862 § 1, 2002).

9.50.080 Notice of serious code violations.

In the event a park owner wishes to increase space rents in excess of the annual permissive rent increase, he or she must first give notice to affected residents in compliance with the notice requirements contained in CVMC 9.50.063. The notice of a rent increase in excess of the annual permissive rent increase shall be in substantially the form prescribed in Appendix One of this chapter and shall include information regarding a review for serious code violations.

The park owner shall post, in a prominent place, a copy of Appendix Two of this chapter so that all residents are aware of those code violations which may create serious health, safety, and welfare problems. Failure to maintain a posted copy of Appendix Two, or failure to provide the notice required below in connection with any proposed space rent increase, shall constitute a violation of this chapter.

The requirements of this section are not applicable to those rent increases upon a change in ownership of a mobilehome to remain in the park. (Ord. 2862 § 1, 2002).

9.50.081 Proposed space rent increases at a time when there exist serious code violations at park.

The city council finds that at times residents in parks have alleged that their rents are being

increased, even though the park is in a state where serious code violations which affect the health, safety, and welfare of the residents exist. The city council further finds that park owners should be required to operate and maintain their parks in substantial compliance with applicable codes and particularly in a manner which is not hazardous to the health, safety, and welfare of the residents. Therefore, in order to encourage compliance with code requirements and to protect the health, safety and welfare of park residents, the city council finds that it is necessary and appropriate to establish a process to limit or prohibit increases in rents which are above the annual permissive rent increase unless and until it has been reasonably determined by city staff that no serious code violations as listed in Appendix Two hereto exist at the park which would be hazardous to the health, safety, and welfare of the residents.

Therefore, in a situation where a mobilehome park owner wishes to increase the rent in excess of the annual permissive rent increase, the city's planning and building department shall schedule an inspection of the subject mobilehome park consistent with Appendix Two within 21 calendar days of receiving a notice of such rent increase. Subject to staffing limitations, city staff will make a determination within 30 calendar days of the inspection of the subject mobilehome park as to whether or not a serious violation or violations exist within the park and whether it or they do adversely affect the health, safety, and general welfare of residents. The notice of such determination shall be provided to any homeowners association at the park, which is registered with the community development department, and to the park owner. The park owner may meet with city staff to discuss the violation(s) determined to exist and possible actions needed to cure such violation(s).

If a serious violation as specified above is determined to exist, the park owner may cure the violation, in which case the rent increase will become effective upon such cure, after the 90 days as specified in the notice of rent increase, or upon fixing of the space rents by the commission whichever date or event last occurs and in compliance with CVMC 9.50.063. The park owner will receive written notification from the city of the cure of any such serious violation as determined by city staff. In the alternative, the matter of any alleged code violation shall be considered as part of the hearing process on the proposed increase or the park owner may request a hearing before the mobilehome rent review commission on the matter of the alleged

violation's relation to the proposed rent increase. The commission may take into consideration any code violation which has not been resolved, in determining to what extent a rent increase, if any, should be allowed. After making such determination, the commission shall fix the rent as provided for in CVMC 9.50.082.

It is not the intent of this section to delay rent increases, but to attempt to resolve serious code violations during the 90-day period required by state law prior to the effective date of any rent increase. This section does not limit or preclude the city from proceeding in accordance with all applicable laws against a park owner if it is found that a violation of code exists at the park. Furthermore, any review of the specific code violations listed in Appendix Two is not intended to substitute for the comprehensive inspection program for mobile-home/trailer parks administered by the planning and building department in compliance with Title 25 of the California Code of Regulations. (Ord. 2862 § 1, 2002).

9.50.082 Denial or partial reduction of rent increases based upon code violations.

The violations which may result in a denial or reduction in any proposed rent increase which is in excess of the annual permissive rent increase are limited to those listed in Appendix Two. Each year, the community development department shall send a copy of Appendix Two to each park for posting in a common area as required above. Violations listed in Appendix Two hereto may be modified from time to time by the city manager without necessity of additional ordinance by the city council.

In making a determination regarding whether to permit that rent increase which is in excess of the annual permissive rent increase when serious code violations exist, the commission and city staff shall have the discretion to work with a park owner to bring a park into compliance over a period of time. If a park owner contends that immediate compliance would result in the immediate closure of a park, the commission and city staff shall consider this contention and address the issues of compliance on a case-by-case basis. However, the city council finds that compliance with the minimal health and safety standards provided for herein will not result in such closures. (Ord. 2862 § 1, 2002).

9.50.085 Compliance with law and posting and disclosure requirements.

A. Every mobilehome park owner shall comply with the provisions of the Mobilehome Residency Law (Chapter 2.5, Section 798 of the California Civil Code), and the provisions of this chapter. Also, a copy of the Mobilehome Residency Law and this chapter shall be prominently posted in a common area of each park's premises at all times.

B. In addition, the information contained in the disclosure below shall be provided as follows:

1. When a mobilehome in a park is to be sold and it will remain in the park, the seller shall show the disclosure to all potential buyers;

2. The park owner will provide a copy of the disclosure to a buyer of a mobilehome that will remain in the park prior to signing of a rental/lease agreement; and

3. A copy of the disclosure acknowledged by the buyer shall be an addendum to every rental agreement.

**MUNICIPAL CODE CHAPTER 9.50
DISCLOSURE**

Chula Vista Municipal Code Chapter 9.50, Mobilehome Park Space Rent Review, governs all mobilehome park spaces for leases of 12 months or less. For leases of more than 12 months, Chapter 9.50 does not apply, per Section 9.50.012 and State law.

Chapter 9.50 generally applies to, but is not limited to, rent control measures. Of particular interest is Section 9.50.063, which details the noticing requirements for increases in space rent upon a change in ownership of a mobilehome that is to remain within the park, whether or not the increase is in excess of the annual permissive rent increase.

If the cumulative annual increase is greater than the applicable change in the CPI, when the CPI is three percent (3%) or less, and 75 percent of that change in the CPI above three percent (3%), then the new or prospective mobilehome owner (buyer) or the current mobilehome owner (seller) has the right to request a hearing from the Chula Vista Mobilehome Rent Review Commission for enforcement of Chapter 9.50. For the purposes of this paragraph

"cumulative annual increase" means the total rent increase for the space within the past year. For example, if the annual permissive rent increase is four percent, but the rent was increased less than four percent, the park owner may require an additional rent increase up to the total four percent without becoming subject to the right to appeal provisions of the Mobilehome Park Space Rent Review Ordinance. This hearing must be requested within 30 days of receiving such written statement by submitting a Request for Hearing Form the City of Chula Vista Community Development Department, the address of which is listed below.

A copy of the Mobilehome Rent Review Ordinance is available at the City of Chula Vista, Community Development Department, 276 Fourth Avenue, Chula Vista, CA 91910 or one can be obtained from park management.

Acknowledgment:

Signature _____ Date: _____

Name _____

(Ord. 2862 § 1, 2002).

9.50.087 Implementation guidelines.

After a noticed public hearing, as it deems necessary, the commission may adopt guidelines or regulations to aid in the implementation of this chapter and to assure a fair hearing process. (Ord. 2862 § 1, 2002).

9.50.090 Mobilehome resident's right of refusal.

A mobilehome resident may refuse to pay any increase in rent which is in violation of this chapter. Such refusal to pay shall be a defense in any action brought to recover possession of a mobilehome space or to collect a rent increase. (Ord. 2862 § 1, 2002).

9.50.092 Retaliatory eviction.

In any action brought to recover possession of a mobilehome or mobilehome space, the court shall consider as grounds for denial any violation of any provision of this chapter. Further, the determination that the action was brought in retaliation for

the exercise of any rights conferred by this chapter shall be grounds for denial. (Ord. 2862 § 1, 2002).

9.50.100 Civil and administrative remedies.

A. Civil Action. Any person who demands, accepts, receives or retains any payment of rent in excess of the maximum rent allowable by this chapter shall be liable in a civil action, including unlawful detainer, to the person upon whom the demand was made or from whom the rent was accepted in an amount of up to triple the amount of such improperly collected rent, and for such reasonable attorney's fees and costs as may be determined by the court.

B. Administrative Action. In the event any owner is determined, after a duly noticed hearing by the mobilehome rent review commission, to have willfully and improperly collected rents or other fees or charges, the commission may, on the basis of evidence received at such hearing supporting a determination that such rents, fees or charges were willfully and improperly collected, require a reduction in rent or a reimbursement of such improperly collected rents, fees, or charges, in an amount of up to triple the amount of such improperly collected rents, fees or charges. (Ord. 2862 § 1, 2002).

9.50.102 Criminal remedies.

Any person committing a violation of this chapter shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this chapter shall be punished by a fine of not more than a \$1,000 or by imprisonment in the county jail for a period of six months in jail or by both such fine or imprisonment. The following nonexclusive acts, without limitation due to enumeration, shall constitute a criminal violation of this chapter, including the owner of a park if done by an owner's agent with the knowledge or consent of the owner:

A. Knowingly demanding, accepting or retaining any rent in excess of the amount fixed by this chapter, including the demanding of rent waived under the provisions of CVMC 9.50.075(E), except that demands for annual increases in rent and negotiations for rent permitted under this chapter shall not be deemed illegal.

B. Knowingly commencing, or threatening to commence, or maintaining an eviction or unlawful detainer proceeding against a resident for the failure to pay a rent in excess of the amount fixed pursuant to this chapter. (Ord. 2862 § 1, 2002).

9.50.115 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional, such portion shall be deemed a separate and independent provision and such decision shall not affect the validity of the remainder. (Ord. 2862 § 1, 2002).

Appendix One

NOTICE – RENT INCREASE IN EXCESS OF THE ANNUAL PERMISSIVE RENT INCREASE

IF YOU DO NOT TAKE ACTION TO REQUEST A HEARING BY THE MOBILE-HOME RENT REVIEW COMMISSION WITHIN THIRTY DAYS, THIS INCREASE SHALL BE AUTOMATICALLY EFFECTIVE ON (DATE) _____

[Not sooner than ninety days after date of notice.], EXCEPT AS PROVIDED IN SECTION 9.50.079 ET SEQ AND SUBJECT TO THE NOTICING REQUIREMENTS CONTAINED THEREIN

This is a notice of a rent increase which exceeds the annual permissive rent increase as set forth in Section 9.50.050 of the City of Chula Vista's Municipal Code. An annual rent increase of the percentage increase of the Consumer Price Index (CPI) for the most recent twelve (12) month period, as reported by the Bureau of Labor Statistics, preceding this notice, when the CPI is three percent (3%) or less, and 75 percent of that change in the CPI above three percent (3%) is allowed without a right to a hearing of the Commission. The CPI is ___% and the annual permissive rent increase is ___%. This increase is ___% of your current rent.

Additionally, this is your notice that Chapter 9.50 of the City of Chula Vista Municipal Code specifies that rents in excess of the annual permissive rent increase as set forth in Section 9.50.050 cannot be automatically increased for any park when there exists serious violations of applicable codes, as specifically listed in Appendix Two to Chapter 9.50.

Under the city's Municipal Code, you are entitled to the following rights:

1. Voluntary Meeting. I am required to hold a meeting with the residents to discuss the general reasons for the increase. The meeting will be at _____ [state time (must be within ten days) and place (should be at mobilehome park)]. Under the City's ordinance, owners and residents are encouraged to attempt to resolve differences and reach a voluntary agreement regarding this increase.

2. Right to a Hearing. You have the right to file for a hearing and determination by the Mobilehome Rent Review Commission by delivering a form as described in Section 9.50.066. You may file for such hearing only if you or your representative attend the meeting to discuss the increase. To file for such hearing you must deliver the request for Hearing form to the City's Community Development Department within thirty days of the date this notice is served on you.

If you are unable to attend the meeting as scheduled, you may elect to send a representative. Please submit in writing to the park owner and the Community Development Department notification that you have elected to be represented at such meeting by another party and stating the name of your representative.

If a resident does not attend this meeting or is not represented by someone, he or she shall have no right to a hearing but may rely on other residents of the mobilehome park to cause a public hearing to be scheduled. In the event a request for hearing is initiated, the action will include the rent increase issues with regard to all the affected residents.

3. Review of Serious Code Violations. In order to establish a minimal level of health and safety standards which must exist in all mobilehome parks prior to any rent increase in excess of the annual permissive rent increase, the City will conduct an inspection of this mobilehome park in compliance with the requirements of Section

9.50.079 and based upon Appendix Two. A list of the specific code violations which apply may be obtained from the office of the Community Development Department during normal business hours, and is required to be posted in a common area of each park's premises at all times.

The City will provide notice of its determination as to whether or not a serious violation or violations exist at the mobilehome park and whether it or they do adversely affect the health, safety, and general welfare of residents to any homeowners association at the park, which is registered with the Community Development Department, and to the park owner. It is the City's intent to attempt to resolve serious code violations during the 90 day period required by State law prior to the effective date of any rent increase. Section 9.50.080 does not limit or preclude the City from proceeding in accordance with all applicable laws against a park owner if it is found that a violation of code exists at the park.

The following space numbers are subject to this increase: [insert numbers of affected spaces].

If you have questions, or need more information regarding the hearing process or serious code violations, you can call the City at (619) 585-5722.

Park Owner/Manager

Date

**NOTICE - ANNUAL CUMULATIVE RENT
INCREASE IN EXCESS OF THE
ANNUAL PERMISSIVE UPON CHANGE
OF OWNERSHIP**

IF YOU DO NOT TAKE ACTION TO REQUEST A HEARING BY THE MOBILEHOME RENT REVIEW COMMISSION WITHIN THIRTY DAYS, THIS INCREASE SHALL BE AUTOMATICALLY EFFECTIVE UPON THE SALE OF YOUR MOBILEHOME AND SUBJECT TO THE NOTICING REQUIREMENTS CONTAINED THEREIN

This is a notice of a rent increase which exceeds the annual permissive rent increase as set forth in Section 9.50.050 of the City of Chula Vista's Municipal Code. An annual rent increase of the percentage increase of the Consumer Price Index (CPI) for the most recent twelve (12) month period, as reported by the Bureau of Labor Statistics, preceding this notice, when the CPI is three percent (3%) or less, and 75 percent of that change in the CPI above three percent (3%) is allowed without a right to a hearing of the Commission. The CPI is ___% and the annual permissive rent increase is ___%. This increase reflects a cumulative increase for the space of ___%.

Under the City's Municipal Code, you are entitled to the following rights:

1. Voluntary Meeting. I am required to hold a meeting with you to discuss the general reasons for the increase. The meeting will be at _____ [state time (must be within ten days) and place (should be at mobilehome park)]. Under the City's ordinance, owners and residents are encouraged to attempt to resolve differences and reach a voluntary agreement regarding this increase.

2. Right to a Hearing. You have the right to file for a hearing and determination by the Mobilehome Rent Review Commission by delivering a form as described in Section 9.50.066. The current mobilehome owner has the first right to a hearing on the rental increase, and in the event he or she

fails to pursue such hearing to completion, the new or prospective mobilehome owner is entitled to file for such a hearing with the City's Community Development Department.

You may file for such hearing only if you or your representative attend the meeting to discuss the increase. To file for such hearing you must deliver the request for Hearing form to the City's Community Development Department within thirty days of the date this notice is served on you. If you do not file such request, you forfeit your right to a hearing on the rent increase.

If you are unable to attend the meeting as scheduled, you may elect to send a representative. Please submit in writing to the park owner and the Community Development Department notification that you have elected to be represented at such meeting by another party and stating the name of your representative.

If applicable:

The current resident/seller ☐ has
☐ has not completed the hearing process.

If you have questions or need more information regarding Chapter 9.50 of the City's Municipal Code, Mobilehome Park Space Rent Review Ordinance or the review process, you can call the Community Development Department of the City at (619) 585-5722.

Acknowledgment:

Signature: _____
Name

Date: _____

REQUEST FOR HEARING**Rent Increase In Excess
Of The Annual Permissive Rent
Increase**

The undersigned hereby requests a hearing before the Mobilehome Rent Review Commission with regard to a proposed rent increase described in the attached notice - Rent Increase in excess of the annual permissive rent increase relating to the _____ Mobilehome Park. [Note: make certain you attach a copy of the notice of Rent Increase you received from the park owner.]

The undersigned is a resident of the park and has attended a meeting with the park owner, or sent a representative on his behalf, as required in Section 9.50.064 of the Chula Vista Municipal Code. The dispute has not been settled.

It is understood that this request is irrevocable and that it may be relied on by other residents of the mobilehome park to cause a public hearing to be scheduled, and that the Mobilehome Rent Review Commission will schedule a public hearing to consider the proposed rent increase, taking into consideration the factors described in Chula Vista Municipal Code Section 9.50.073, and that the decision of the Mobilehome Rent Review Commission shall be applicable to all affected homeowners and shall be final and binding.

Signed _____

Print Name _____

Address _____

Telephone No. _____

Date _____

[The completed form must be delivered to the City of Chula Vista, Community Development Department, Attn: Housing Manager, 276 Fourth Avenue, Chula Vista CA 91910]

Appendix Two**MOBILEHOME PARK CODE
VIOLATIONS WHICH MAY CREATE
SERIOUS HEALTH, SAFETY, AND
WELFARE PROBLEMS****INDIVIDUAL SPACES - Exterior only**

A. All lots shall be numbered in a conspicuous location facing the interior roadway. [Section 1104(a)]

B. Power sources and plumbing adequately supplied, supported, and protected. [Sections 1170, 1182, and 1280]

C. No illegal discharge of liquid or solid wastes (CVMC 19.66.150)

**THE FOLLOWING APPLY TO PARK
GROUNDS – NOT INDIVIDUAL SPACES****PARK IN GENERAL – not individual
spaces/lots****PARK GROUNDS**

A. Clearly identify park address at street. [CVMC Section 12.48.030]

B. Emergency information posted in conspicuous place. [Section 1686]

C. Unobstructed roadway shall be a 25 feet minimum (15 feet minimum if park constructed prior to 9-15-61). If parking is allowed on one side of roadway, minimum clearance is 32 feet, and if parking is permitted on both sides of roadway, a minimum clearance of 40 feet is required. If there is some type of curb divider, each side must be a minimum of 15 feet. [Section 1106]

D. Maintain proper grading and drainage (Accumulation of water). [Section 1610(a)]

E. Adequate refuse/rubbish disposal. [Section 1610(d)]

F. No illegal discharge of liquid or solid wastes (CVMC 19.66.150)

PERMANENT BUILDING STRUCTURES

G. Any new structures or work to have required permits. [Section 1018(a)]

H. Maintenance sufficient to assure minimum life and safety standards. [Section 1636]

I. Water heater properly installed and vented. [Uniform Plumbing Code Sections 508.0, 512.1, and 608]

J. Required lighting in public toilets, showers, and laundry facilities. [Section 1612]

K. Conformance with the California Fire Code (CFC):

1. Exit Doors (CFC 2501.8)
2. Aisles (CFC 2501.9)
3. Seating (CFC 2501.10)
4. Exit ways must be free of obstructions. [CFC 2501.11]
5. Fire extinguishers shall be maintained in good repair. [CFVC 2501.13]
6. Exits shall be identified and lighted. [CFC 2501.15, 1211 and 1212]
7. Room capacity shall be posted. [CFC 2501.16.1]

UTILITIES

L. All electrical equipment outside permanent buildings shall comply with requirements of the California Electrical Code (CEC). [Section 1134(a) and 1384]

M. All overhead electrical supply and conductors and supporting structures shall comply with requirements of the California Public Utilities Commission Rules for Overhead Electrical Line Construction. [Section 1134(b) & (c)]

N. Connections adequately protected if subject to potential damage by vehicles, etc. [Sections 1228(a) and 1280]

O. All electrical switches, circuit breakers, receptacles, lighting fixtures, control equipment, and metering devices located in wet places or outside of a building shall be rain-tight type equipment. [Section 1170(a)]

P. Sufficient space around electrical equipment to permit ready and safe operation. [Section 1646(a)(b)]

Unless otherwise noted, all Section references are found in Title 25 of the California Code of Regulations.

The Department of Planning and Building of the city of Chula Vista shall provide a copy of all referenced code sections to all park owners and/or their agents. Copies of these referenced code sections shall be maintained at all times at the on-site Manager's office and may be viewed during normal business hours by any and all residents.

Chapter 9.60**SALE OF MOBILEHOME PARKS**

Sections:

- 9.60.010 Definitions.
- 9.60.020 Mobilehome owners' right to purchase.
- 9.60.030 Exemption.
- 9.60.040 Mobilehome park owner affidavit of compliance.
- 9.60.050 Judicial rights.

9.60.010 Definitions.

Unless the context otherwise requires, the terms defined herein shall for all purposes pertaining to this section have the meanings defined herein:

A. "Mobilehome" shall mean a structure designed for human habitation and being moved on a street or highway under permit pursuant to Vehicle Code Section 35790.

B. "Mobilehome owner" or "homeowner" shall mean a person who has a tenancy in a mobilehome park under a rental agreement.

C. "Mobilehome park" or "park" is an area of land where five or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation.

D. "Mobilehome park owner" means the owner of a mobilehome park or an agent or representative authorized to act on his behalf in connection with matters relating to a tenancy in the park.

E. "Tenancy" is the right of a mobilehome owner to use of a site within a mobilehome park, on which to locate, maintain and occupy a mobilehome, site improvements, and accessory structures for human habitation, including the use of the services and facilities of the park.

F. "Notify" means the placing of a notice in the United States mail addressed to the mobilehome owners at the mobilehome owners' addresses within the park or as otherwise known to the park owner. Each such notice shall be deemed to be given upon the deposit of the notice in the United States mail.

G. "Offer" means any solicitation by the mobilehome park owner to the general public.

H. "Resident organization" means any organization formed pursuant to Health and Safety Code Section 50561. (Ord. 2268 § 1, 1988).

9.60.020 Mobilehome owners' right to purchase.

A. Any resident organization entitled to notice of a listing of a mobilehome park for sale or notice of any offer to sell the park to any party, pursuant to Civil Code Section 798.80, shall have the right to purchase the park; provided, the resident organization meets the price and terms and conditions of a purchase offer acceptable to the mobilehome park owner. The resident organization shall have the right to purchase the park by executing a contract with the mobilehome park owner within 45 days, unless agreed to otherwise, from the date that a notice required by Civil Code Section 798.80 has been delivered by first class mail or personal delivery to the president, secretary and treasurer of the resident organization. In the event that less than the entire mobilehome park is offered for sale or an acceptable offer to purchase less than the entire mobilehome park is received, the resident organization shall have the right to purchase a portion of the park for a period of 90 days, unless agreed to otherwise, from the date of mailing to the resident organization a notice of the receipt of an acceptable offer to purchase a portion of the park. If a contract between the mobilehome park owner and the resident organization is not executed within the specified period, his only obligation shall be as set forth in subsection (B) of this section, unless the mobilehome park owner thereafter elects to accept a counteroffer to the noticed offer, at a price lower than the price specified in the notice to the resident organization.

B. If the mobilehome park owner thereafter elects to accept an offer at a lower price and/or under different terms and conditions than the price or terms and conditions as specified in his notice to the resident organization, the resident organization will have an additional 15 days to meet the price and terms and conditions of the mobilehome park owner by executing a contract. (Ord. 2268 § 1, 1988).

9.60.030 Exemption.

A. Any sale or other transfer by a park owner who is a natural person to any relation specified in Probate Code Section 6402.

B. Any transfer by gift, devise, or operation of law.

C. Any transfer by a corporation to an affiliate. As used in this subsection, "affiliate" means any shareholder of the transferring corporation; any corporation or entity owned or controlled, directly or indirectly, by the transferring corporation; or

any other corporation or entity controlled, directly or indirectly, by any shareholder of the transferring corporation.

D. Any transfer by a partnership to any of its partners.

E. Any conveyance resulting from the judicial or nonjudicial foreclosure of a mortgage or deed of trust encumbering a mobilehome park or any deed given in lieu of such a foreclosure.

F. Any sale or transfer between or among joint tenants or tenants-in-common owning a mobilehome park.

G. The purchase of a mobilehome park by a government entity under its powers of eminent domain.

H. Any transfer between co-owners which results in a change in the method of holding title to the mobilehome park without changing the proportional ownership interest of the co-owners in said mobilehome park, such as a partition of a tenancy in common.

I. Any transfer between an individual or individuals and a legal entity, or between legal entities, such as a cotenancy to a partnership, a partnership to a corporation, a corporation to a partnership, or a trust to a cotenancy, which results solely in a change in the method of holding title to the mobilehome park and in which proportional ownership interests of the transferors and transferees, whether represented by stock, partnership interest, or otherwise, in the mobilehome park transferred, remain the same after the transfer. (Ord. 2300 § 1, 1989; Ord. 2268 § 1, 1988).

9.60.040 Mobilehome park owner affidavit of compliance.

A. A mobilehome park owner may, at any time, record in the official records of the county where a mobilehome park is situated an affidavit in which he or she certifies that:

1. With reference to an offer by him or her for the sale of such park, he or she has complied with the provisions of this chapter.

2. With reference to an offer received by him or her for the purchase of such park, or with reference to a counteroffer which he or she intends to make, or has made, for the sale of such park, he or she has complied with the provisions of this chapter.

3. Notwithstanding his compliance with the provisions of CVMC 9.60.020, no contract has been executed for the sale of such park between the owner and the resident organization.

4. The provisions of CVMC 9.60.020 are inapplicable to a particular sale or transfer of such park by him, and compliance with the provisions of this section is not required.

5. A particular sale or transfer of such park is exempted from the provisions of this section.

B. Any party acquiring an interest in a mobile-home park, and any and all title insurance companies and attorneys preparing, furnishing or examining any evidence of title, have the absolute right to rely on the truth and accuracy of all statements appearing in such affidavit and are under no obligation to inquire further as to any matter or fact relating to the park owner's compliance with the provisions herein.

C. It is the purpose and intention of this section to preserve the marketability of title to mobilehome parks, and accordingly, the provisions of this section shall be liberally construed in order that all persons may rely on the record title to mobilehome parks. (Ord. 2268 § 1, 1988).

9.60.050 Judicial rights.

A resident organization entitled to the right to purchase the mobilehome park which is not provided such right shall be entitled to such equitable relief and/or damages for such failure as deemed appropriate by a court of competent jurisdiction. (Ord. 2268 § 1, 1988).

X. Environmental Protection and Conservation

Chapter 9.70

WATER CONSERVATION MEASURES

Sections:

9.70.010 Regulation of sale and installation of high flow water fixtures.

9.70.010 Regulation of sale and installation of high flow water fixtures.

A. Definitions.

1. "High flow water fixture," for the purposes of this section, shall mean any of the following devices:

a. A toilet (also known as a water closet) which permits the usage of greater than 3.5 gallons per flush ("high flow toilet").

b. A shower nozzle which permits the usage of greater than 2.5 gallons per minute maximum volume ("high flow shower nozzle").

c. A urinal which permits the usage of greater than 1.0 gallons per flush ("high flow urinal").

d. A sink faucet which permits the usage of greater than 2.5 gallons per minute ("high flow sink faucet").

e. A lavatory faucet which permits the usage of greater than 2.0 gallons per minute ("high flow lavatory faucet").

2. "Retailer," for the purposes of this section, shall mean any person, including, but not limited to, an individual, firm, association, or corporation, licensed by the city to conduct, or conducting, a commercial retail business.

B. Installation of High Flow Water Fixtures Within City. It shall be illegal from and after April 15, 1991 for any person, including, but not limited to, any individual, partnership, firm, corporation, or association, to install a high flow water fixture in any building on property which, in whole or in part, is located within the city limits of the city of Chula Vista.

C. Marking of High Flow Water Fixtures.

1. No retailer in the city of Chula Vista shall offer a high flow toilet (or water closet) within the city limits without having clearly marked thereon, or if said toilet is presented for sale in a package, then on the package in which the said toilet is offered for sale, accurately and in a manner and location clearly visible from on the outside of said package, the number of gallons, measured to the